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4 BILL NO. R-85-03-52 (as amended)
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6 RESOLUTION NO. R-44-85

7 A RESOLUTION relating to legal
8 measures to protect Fort Wayne
9 Citizens' as a result of The Flood
Plain Ordinance deadline of
April 3, 1985

10 WHEREAS, the Federal Emergency Management Agency has
11 required that in order to maintain eligilibility in several
12 Federal programs the City of Fort Wayne must pass a Flood Plain
13 Ordinance by April 3, 1985; and

14 WHEREAS, the "Flood Insurance Rate Maps" which
15 accompany said ordinance contain numerous errors which, unless
16 corrected may cause economic damage to those several Fort
17 Wayne citizens thereby affected; and

18 WHEREAS, the Flood Plain Ordinance proscribes a
19 procedure which must be followed in order to rebuild property
20 which is located in a flood plain and is destroyed more than
21 40%;

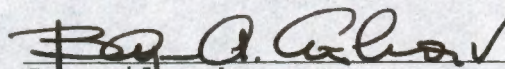
22 NOW, THEREFORE BE IT RESOLVED that upon passage of
23 G-83-03-01 (as amended), the Mayor of the City instruct the
24 City Attorney to:

- 25 1. Request a court order in an appropriate
26 court of law enjoining, legally restrain-
27 ing, and/or delaying Flood Plain Ordinance
28 from becoming effective until such time as
29 the "Flood Insurance Rate Maps" referred
30 in said ordinance are substantially corrected;
31 provided that any court order thereby obtained
does not adversely affect the City of Fort
Wayne's and/or its citizens' eligibility to
continue to benefit from and remain in the
several Federal programs linked with the
ordinance.

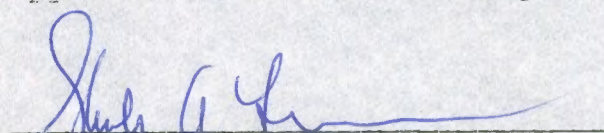
2. Establish a legally correct procedure to indemnify those homeowners who are unable to obtain the variances from the BZA and the DNR necessary to rebuild their residences destroyed more than 40%. Such procedure will provide that any financial loss suffered which was not covered by insurance to the structure be paid to said homeowner; providing the structure was insured by private insurance to the maximum and flood insurance was also obtained.

(Amendment to Resolution see below - made 3-30-85)

SECTION 1. That this resolution shall be in full force and effect from and after its passage and all necessary approval by the Mayor.


Council member

Approved as to form and legality


Stanley A. Levine, Council Attorney

3. That the matter of amending the "Flood Insurance Rate Maps" by FEMA be reported to City Council and reviewed by this body at regular intervals of ninety (90) days from April 3, 1985.

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19 _____, at _____ o'clock _____ .M., E.S.T.

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Stier,
seconded by Stier, and duly adopted, placed on its
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 3-30-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE Resolution (RESOLUTION) NO. B-44-85
on the 30th day of March, 19 85,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 1st day of April, 19 85,
at the hour of 11:00 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 1st day of April,
19 85, at the hour of 1:00 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

eligibility

A Resolution Relating to legal measures
to protect Fort Wayne citizens as
a result of the Flood Plain Ordinance Deadline
of April 3, 1985

Caps

Whereas the Federal Emergency Management Agency has
required that in order to maintain eligibility in several
Federal programs, the City of Fort Wayne must pass
a Flood Plain Ordinance by April 3, 1985, and

Caps

Note

And whereas the "Flood Insurance Study Maps"
which accompany said ordinance contain numerous errors which,
unless corrected, may cause economic damage to
those affected, and several Fort Wayne citizens thereby

Caps

Flood Plain

And, whereas the Ordinance proscribes a procedure
which must be followed in order to rebuild property
destroyed more than 40% (which is located in a flood plain area)

Caps

Now, Therefore be it resolved that upon passage of G-85-03-01,
the Mayor of the City instruct the City Attorney to

in the appropriate court of law

and legally restrain
and/or order

Flood Plain

1.) File a request for a TRO to enjoin the
ordinance from becoming effective until the Flood Insurance
Study Maps are substantially corrected provided said TRO
does not affect the City's eligibility to remain in the several
Federal programs ~~comprising~~ the ordinance

legally correct

2.) Establish a procedure to indemnify those homeowners
who are unable to obtain the variances from the BZA and
the DNR necessary to rebuild their residences destroyed more than
40%. Such procedure will insure that any financial loss
suffered to the structure be paid to said homeowner, provided
which was not covered by insurance

1. ~~File a request in an~~ as

Request a court order in an appropriate
Court of law enjoining, legally restraining, and/or
delaying the ~~effective~~ ^Flood ^Plain ordinance
~~and its designation of certain areas~~ ^{to}
from becoming effective, until such time as the
"Flood Insurance Rate Maps" referenced in said
ordinance are substantially corrected; provided
that any court order thereby obtained does ~~not~~
not adversely affect the City of Fort Wayne's
^{and its citizens'} eligibility to ~~remain in the~~ ~~eligible~~ continue
to benefit from and remain in the several federal
programs linked with the ordinance.
~~linked~~

3. That the matter of amending the "Flood Insurance
Rate Maps" by F.F.M.A. be ~~re~~ reported to
City Council and reviewed by this body at regular
intervals of ninety(90) days from April 3, 1985

Sandy - add this ↑

BILL NO. R-85-03-52

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) relating to legal measures to
protect Fort Wayne Citizens' as a result of The Flood Plain
Ordinance deadline of April 3, 1985

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury

JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier

JAMES S. STIER

Ben A. Eisbart

BEN A. EISBART

Donald J. Schmidt

DONALD J. SCHMIDT

CONCURRED IN 3-30-85

SANDRA E. KENNEDY
CITY CLERK